

CITY OF SAN CLEMENTECITY COUNCIL MINUTESADJOURNED REGULAR MEETING - APRIL 29, 1987

An adjourned regular meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order by Mayor Veale at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Veale led the Pledge of Allegiance.

PRESENT Council Members - LIMBERG, LORCH, MECHAM, RICE,
MAYOR VEALE

ABSENT Council Members - NONE.

ALSO PRESENT James B. Hendrickson, City Manager; Myrna Erway, City Clerk; Jeff Oderman, City Attorney; Jim Holloway, Community Development Director; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

1. 1986/87 Development Allocation Hearing

Public Hearing to consider the recommendations of the Residential Development Evaluation Board regarding the award of 1986/87 Development Allocations pursuant to Ordinance No. 922.

Associate Planner Philbrick reviewed the development allocation sequence and narrated a slide presentation demonstrating the eleven projects that remain eligible for development allocations.

Mayor Veale opened the Public Hearing concerning the approach for the development allocations.

Michael Moreno, 1216 Pavoreal, questioned what standards were in effect at the time his home was built.

Richard Allen, 1213 Pavoreal, voiced his concern that developers should satisfactorily complete all projects they start.

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Rick Bringham, 1202 Pavoreal, urged that Bird Development not be allowed to develop more units until they have corrected problems with their current units.

John Kottke, 650 Town Center Drive, Suite 850, Attorney on behalf of Estrella Properties, opined that the Stearns tract should be considered for development allocations inasmuch as its Specific Plan has been approved.

Donna Raymond, 1203 Pavoreal, stated the developer of the Colony Tract should not be allowed to develop further until the problems in Forster Ranch are rectified.

Simon Whitney, representing Remington Properties, stated their projects placed first and third in the point system determined by RDEB; stated the projects met the quality objectives of the Managed Growth Ordinance; urged Council to approve at least 1,000 allocations; voiced concern relating to phasing either of the Remington projects.

Karoline Koester, 401 Via Pajaro, urged that no greater than 1,000 units be approved.

Jim Davidson, 4009 Calle Juno, urged that small developers not be excluded from the allocations.

Mayor Veale closed the Public Hearing relating to the allocation approach, there being no others desiring to speak to this issue.

City Attorney Oderman responded to public inquiries raised during the Public Hearing as follows:

- 1) Measure B was not in effect at the time the first Bird Development project was built on Forster Ranch; the builder was, however, required to comply with Code building standards; advised Measure B only addresses which projects will be allowed at a particular time.
- 2) The City Council resolution regarding the implementation of Measure B, states that a developer is not eligible to apply for development allocations unless they have received tentative tract map approval.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, FAILED 2-3 (COUNCILMEMBERS LORCH, RICE, AND MAYOR VEALE VOTING NOE), to approve 1,041 units for the

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2-year allocations, with the knowledge that this action will represent an 8.2% incursion into the 1988 allocations.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, FAILED 1-4 (COUNCILMEMBERS LIMBERG, MECHAM, RICE, AND MAYOR VEALE VOTING NOE), to calendarize the allocations which would allocate 500 units for 1986, and to accomplish the calendarization in 1987 which would be for the period of March through December 31st, comprising 382 units in addition to the 500 units for a total of 882 units, with a plus or minus of 38 units allowable on that number.

Mayor Veale opened the Public Hearing relating to the individual projects.

Duf Sfreddo, representing Southridge Homes, stated his project is an in-fill project that has been pending since 1985; stated his project is not within the City sewer or water districts.

Simon Whitney, representing Remington Properties, stated it would be inequitable to require a project to be phased against the wishes of the developer.

Jim Davidson spoke in support of the Di Giovanni, Southridge Homes, and Newport/Balboa projects.

Robert Bell, representing the Cabot Development Group, stated smaller projects are not capable of phasing; urged that one of the larger developments be phased.

Michael Molsey, representing Newport/Balboa, questioned his options in the event his project is not approved this evening.

Barbara Johnson, representing Lincoln Property Co., commented on the time and money that has been spent on their project; noted that a portion of their development is earmarked for affordable housing; stated a reduction in units would create a hardship.

Rick Deremas, representing EPAC Development, urged Council to approve 1,041 units; felt that if less than 1,041 units are approved that the allocations should either be 1) awarded in order of their point assignment or 2) that the surplus units be deducted from a large project.

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Steve Maloney, representing Western Savings and Loan, questioned what the difference would be between granting the extra 41 units this year or granting the same units in 1988; urged that the RDEB point assignments not be ignored.

Jerry Gann, 2763 Via Arboleda, urged Council to allow 1,041 units.

Don Steffenson, Lusk Company representing Marblehead, stated their project is in the middle of development; stated their existing residents would appreciate completion of the development.

Duf Sfredo felt that quality, point allocations, and balanced planning should be incorporated in the decision-making process.

The Public Hearing was closed, there being no others desiring to speak to this issue.

MOTION BY COUNCILMEMBER LORCH, SECOND BY COUNCILMEMBER RICE, CARRIED 4-1 (MAYOR VEALE VOTING NOE), to reconsider the previous motion relating to the number of units for the 2-year allocations.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 3-2 (COUNCILMEMBERS VEALE AND RICE VOTING NOE), to approve 1,041 units for the 1986/87 development allocations.

City Council recessed at 9:15 p.m. and reconvened at 9:25 p.m., with all members present.

City Attorney Oderman will provide Council with a Resolution concerning the 1986/87 development allocations for City Council consideration on May 6, 1987.

City Attorney Oderman announced that Estrella Properties and Stearns Development have named the City as a defendant in a lawsuit in which they seek to overturn denial of the 397 unit Stearns project and to require the City to include that project in the allocation process; advised the plaintiffs sought to obtain a temporary restraining order, which subsequently was denied, which would have enjoined the Council from awarding the allocations; stated a preliminary injunction meeting has been scheduled for late May and trial will take place in late June, at which time the court will decide whether the Council's action in denying the Tentative Tract Map was appropriate.

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2. Incorporation of Dana Point/Capistrano Beach

Consideration of a letter to LAFCO re the City's position on the incorporation of Dana Point/Capistrano Beach.

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to endorse the letter from the Mayor to LAFCO Executive Director delineating a policy of neutrality.

3. Closed Session

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER MECHAM, CARRIED 5-0, to recess to Closed Session at 9:30 p.m. to discuss a matter of pending Real Property Negotiations, pursuant to Government Code Section 54956.8 (Potential acquisition of City Hall site on Marblehead Property) - James Hendrickson - Negotiator; and to discuss a matter of pending litigation, pursuant to Government Code 54956.9(a). The City Manager, Community Development Director and City Attorney were in attendance.

Meeting Reconvened

Council reconvened at 10:05 p.m., with all members present.

Councilmember Mecham advised that the Lusk Company has indicated a desire to commence the public hearing process relating to the Marblehead Coastal Property; stated that Council will comply with that request and has directed staff to expedite scheduling the matter for public hearing.

Councilmember Limberg noted that the Council has endorsed the Nixon Library project and indicated concern that the project hasn't progressed more rapidly than it has to date.

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Adjournment

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn to an adjourned regular meeting to be held at 6:00 p.m. on May 6, 1987 in the Council Chambers, 100 Avenida Presidio, for purposes of holding a Closed Session.

Meyna Erway
CITY CLERK of the City of
San Clemente, California

Wally A. Seal
MAYOR of the City of
San Clemente, California

AFFIDAVIT OF POSTING ORDER
OF ADJOURNMENT OF MEETING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at the regular meeting of the City Council held on April 29, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on April 30, 1987 at the hour of 3:00 p.m. a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 30, 1987 at San Clemente, California.

Myrna Erway
MYRNA ERWAY
CITY CLERK

NOTICE OF ADJOURNMENT

EXCERPT FROM THE MINUTES OF THE CITY COUNCIL

MINUTES OF April 29, 1987


A regular meeting of the San Clemente City Council was held in the Council Chambers on April 29, 1987 and was called to order at 7:00 p.m.

ROLL CALL: PRESENT: LIMBERG, LORCH, MECHAM, RICE, VEALE

 ABSENT: NONE

ADJOURNMENT

MOTION BY COUNCILMEMBER Mecham, SECOND BY COUNCILMEMBER Rice, CARRIED 5-0, to adjourn to an adjourned regular meeting to be held at 6:00 p.m. on May 6, 1987 in the Council Chambers, 100 Avenida Presidio, for purposes of holding a Closed Session.


MYRNA ERWAY
City Clerk